

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 8195

Shaik; Kareemullah

Examiner: Smith, Chaim A.

Fathima; Shaheen

Shaik; Faheemullah

Serial No.: 595865

Filed: October 29, 2007

For: Packing and Presentation of Ice-Cream in the Form of Scoops

Attorney Docket No.: PT/-14-828

AMENDMENT FILED WITH RCE
UNDER 37 C.F.R. § 1.114
AND PETITION FOR EXTENSION OF TIME
UNDER 37 C.F.R. § 1.136(a)

**Mail Stop Amendments
Commissioner for Patents
United States Patent and Trademark Office
P.O.Box 1450
Alexandria, Virginia 22313-1450**

Sir:

Applicant hereby respectfully submits this reply to the Office action dated 01/21/2011, which is within the due date specified in the Office action.

Please find the response as below and through the remarks made in the following paragraphs & replacement sheets filed wherever required:

In response to the Office Action mailed 01/21/2011, please amend the above identified application as follows:

Claims showing amendments

The listing of the claims will replace all prior versions, and listings, of claims in the application:

Claims:

1. The method of packing and presentation of products like ice-cream, desserts and the likes in the form of scoops.
2. According to claim 1, the packing contains two containers one outer and another inner.
3. According to claim 1 and 2, the inner container holds the product in the form of the scoop.
4. According to claim 2, the inner container is peelable, which can be peeled off to expose the product for consumption.
5. According to claim 2, the outer container serves as the serving container for the ice cream or dessert.
6. According to claim 3, the design shape of the scoop depends upon the inner shape provided to the inner surface of the inner container.
7. According to claim 1, the product is served in the outer container in which the shape of the scoops is rested into the actual shape by inversion of the products or inner container.
- ~~8. According to claim 1, where in the soft serve enables the scoop presentable in the method of dressing as described.~~
9. According to claims 1 to 5 the outer container has the spacer fixed inside the outer container.
10. According to claim 9 the spacer is inserted into the inner container by which the product in the inner container is pressed upwards to give a semi scooped shape or any other shape that the outer container has.

Examiner's attention is requested to the below amendment of claims sequence.

1. Claim 1 is amended.
2. Claim 3 amended.
3. Claim 6 is amended.
4. Claim 8 is removed.
5. Claim 8 is earlier claim 9.
6. Claim 9 is earlier claim 10.

Remarks

Examiner's remarks

1. Relating to objection no.3 mentioning that the application appears to be a literal translation into English from a foreign language.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have amended the specification as fit and proper.

Oath/Declaration

2. A new oath or declaration is required because of the reasons given below.
3. Relating to objection no.3 mentioning that the oath submitted 20 October 2007 claims foreign priority. "Under certified copy attached?" both blocks (yes and no) are

clicked. It is also noted that no certified copy of a prior foreign application has been received by the office.

It is a typographical error done from our side. It is a PCT application. You may download the document from WIPO website.

Applicant diverges with the examiners statements and respectfully requests the examiners attention to the newly filed Oath/Declaration.

4. Relating to objection no.4 mentioning that the names of the inventor's would appear that the names of the each inventor have been reversed in the oath.

Applicant diverges with the examiners statements and respectfully requests the examiners attention to the newly filed Oath/Declaration. The first names of the inventors are Kareemullah, Faheemullah and Fathima respectively. The family name of the inventors is Shaik, Shaik and Shaheen respectively.

Applicant diverges with the examiners statements and respectfully requests the examiners attention to the newly filed Oath/Declaration.

5. Relating to objection no.5 mentioning that the name and signature of the first inventor is not correlated.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the applicant himself signed on the Oath/Declaration as Shaik Kareemullah in running letters.

6. Relating to objection no.6 mentioning that the name and signature of the second joint inventor is not correlated.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the original name of the second joint inventor is Shaheen Fathima, but she herself signed as Fathima Sulthana.

7. Relating to objection no.7 mentioning that the third joint inventor's address is different from the first and second inventors.

Applicant respectively traverses through the statement made by the examiner and submits as follows; it is a typographical error done from our side. The address is same for three inventors and we corrected this in the newly filed oath.

8. Relating to objection no.8 mentioning that the requirement of newly filing of an oath or declaration.

Applicant respectively traverses through the statement made by the examiner and submits as follows; Applicant diverges with the examiners statements and respectfully requests the examiners attention to the newly filed oath.

Specification

9. Relating to objection no.9 mentioning that the requirement of a substitute specification is required in idiomatic English with a statement that it contains no new matter.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have amended the specification as indicated there in.

10. Relating to objection no.10 mentioning the guidelines for drafting the specification.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have amended the specification as indicated there in.

11. Relating to objection no.11 mentioning that requirement of correction of words which are capitalized in the field of invention.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have amended the words as indicated there in.

12. Relating to objection no.12 mentioning that requirement of brief summary of invention and examiner says that he is not able to find the any disclosed invention in the objectives.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have amended the summary of the invention in the complete specification and we are not claiming the objectives cited in the specification.

SUMMARY OF THE INVENTION

A method, system and dressing of ice-cream & desserts for enhancing the commercial value further by using the compatible container system. Features include the use of a premium container system, that provides an instant step in presenting multi facets of various desserts, which supplement in a area where speedy delivery in a short time is required, with less inventory includes less infrastructure & coordination of equipments which already exists. However, the infrastructure & equipments has limitations without the method, system and compatible container.

13. Relating to objection no.13 mentioning that the requirement of giving reference signs to the numbers with respect to the particular figure in which they are shown.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have amended the reference signs as indicated there in.

[[0041] According to, the attached FIG. 1, (1) is the single scoop packed in a peelable container with outer packing of box. According to, the attached FIG. 2, (2) is the peelable scoop container. (3) is the product filling area. (4) is the female outer cover. (5) is the male container holding scoop. According to, the attached FIG. 3, (6) is showing top inlet to fill the product in the container. According to, the attached FIG. 4, (7) is variable of scoop surface designs proposed. According to, the attached FIG. 5, (8) is tray to hold multiples of scoop product. (9) is product holding area. (10) is product filling area. According to, the attached FIG. 6, (11) is side view of a tray holding multiple scoop. According to, the attached FIG. 7, (12) is one of the lid packing of the variables. (13) is peelable scoop container with variable of perforation. (14) is peelable scoop holding container surface. According to, the attached FIG. 8, (15) is one of the view of a peelable container with product exposed. According to, the attached FIG. 9, (16) is scoop ready to use prepared in a container. (17) is frozen scoop topped with soft serve dessert. (18) is container holding the entire product ready to be serve. According to, the attached FIG. 10, (19) is female contain of more than one scoop, also acts as a serving container disposable. (20) is scoop products to hold more than one scoop. (21) is peelable male container strong enough to hold more than one scoop. According to, the attached FIG. 11, (22) is one of the variable of spacer to penetrate inside the product to create a internal pressure & external surface design as per the surface container design. According to, the attached FIG. 12, (23) is container to allow a different shape when spacer is inserted. According to, the attached FIG. 13, (24) is complete container showing product with spacer. (25) is one of the variable of external design created when

the spacer is completely inserted. According to, the attached FIG.1 4,(26) is variable of spacer inserted in a container to create a semi-scoop. (27) is surface showing a semi-scoop shape created due to inserting a spacer. (28) is downwards pressure of the spacer. (29) is the arrow showing the upward pressure of the product lifting upwards due to the spacer downward pressure.

14. Relating to objection no.14 mentioning that the examiner does not find any disclosure of invention.

Applicant diverges with the examiners statements and respectfully requests the examiners attention to the claims.

Claim Rejections – 35 USC § 112

15. Relating to objection no.15 mentioning that the specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have described the whole invention in the complete specification on the basis of our knowledge.

Applicant diverges with the examiners statements and respectfully requests the examiners attention to the specification.

16. Relating to objection no.16 mentioning that the claims 1-10 are rejected, because the subject matter present in the claims is not described in the specification.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have described the subject matter present in the claims clearly in the specification.

Applicant diverges with the examiners statements and respectfully requests the examiners attention to the specification.

17. Relating to objection no.17 mentioning that there are no actual steps relating to any method of performing packing and presentation in the claims.

Applicant diverges with the examiners statements and respectfully requests the examiners attention to the dependent claims.

According to claim 1, the packing contains two containers one outer and another inner.

3. According to claim 2, the inner container holds the product in the form of the scoop.

4. According to claim 2, the inner container is peelable, which can be peeled off to expose the product for consumption.

5. According to claim 2, the outer container serves as the serving container for the ice cream or dessert.

6. According to claim 3, the design of the scoop depends upon the inner shape provided to the inner surface of the inner container.

7. According to claim 1, the product is served in the outer container in which the shape of the scoops is rested into the actual shape by inversion of the products or inner container.

8. According to claims 1 to 5 the outer container has the spacer fixed inside the outer container.

9. According to claim 9 the spacer is inserted into the inner container by which the product in the inner container is pressed upwards to give a semi scooped shape or any other shape that the outer container has.

18. Relating to objection no.18 mentioning that the specification must be conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have added the conclusion in the specification as indicated therein.

It is a new method of packing and presentation of ice-cream, desserts and the likes in the form of scoops. The packing contains two containers one outer and another inner. The inner container holds the product in the form of the scoop and the inner container is peelable, which can be peeled off to expose the product for consumption.

This technique has been described in detailed herein and illustrated by way of specific examples. Those who skill in the relevant art of Agronomy will understand the invention. The invention, as defined in the claims, covers all modifications, equivalents, and alternatives which will fall within the circle of present invention.

19. Relating to objection no.19 mentioning that the claims 1-10 are rejected, because applicant failed to point out and claim the subject matter.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have described the invention step by step best of our knowledge.

20. Relating to objection no.20 mentioning that the application appears to be a literal translation into English from a foreign language.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have amended the specification as fit and proper.

21. Relating to objection no.21 mentioning that the claims 1-10 rejected under 35 U.S.C. 112, as being incomplete for omitting essential steps.

Applicant respectively traverses through the statement made by the examiner and submits as follows;

22. Relating to objection no.22 mentioning that the in claim 1 no actual packing or presenting steps are recited making it unknown what it is applicants are intending to claim as their invention.

Applicant respectively traverses through the statement made by the examiner and submits as follows;

23. Relating to objection no.23 mentioning that the no actual steps of placing any type of product, such as ice cream, into said container, removal of said product from container to another, and serving or consuming said products.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we do not want to claim such steps.

24. Relating to objection no.24 mentioning that the there is no positive recitation of what said shape would actually be or how it would be attained making it unclear to one of ordinary skills.

Applicant respectively traverses through the statement made by the examiner and submits as follows;

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have amended the 6th claim.

Applicant diverges with the examiners statements and respectfully requests the examiners attention to the claims 1, 2, 6 and 7.

1. The method of packing and presentation of products like ice-cream, desserts and the likes in the form of scoops.

2. According to claim 1, the packing contains two containers one outer and another inner.

6. According to claim 3, the shape of the scoop depends upon the inner shape provided to the inner surface of the inner container.

7. According to claim 1, the product is served in the outer container in which the shape of the scoops is rested into the actual shape by inversion of the products or inner container.

25. Relating to objection no.25 mentioning that the claim 8 is indefinite.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have removed the claim 8.

26. Relating to objection no.26 mentioning that the claim 1 has no antecedent basis for the recitation "the method packing and presentation".

Applicant respectively traverses through the statement made by the examiner and submits as follows; the claim 1 is the independent claim and it is itself antecedent.

27. Relating to objection no.27 mentioning that the claim 2 has no antecedent basis for the recitation of 'the packing"

Applicant respectively traverses through the statement made by the examiner and submits as follows; claim 1 is the antecedent.

1. The method of packing and presentation of products like ice-cream, desserts and the likes in the form of scoops.

28. Relating to objection no.28 mentioning that the claims 3, 4 & 7 have no antecedent basis for the recitation of 'the product" and it is unclear that whether the "scoops" of claim 3 is same as of claim 1.

Applicant respectively traverses through the statement made by the examiner and submits as follows; claim 1 is the antecedent for claims 3, 4 & 7 and claims 1 and 3 amended accordingly.

1. The method of packing and presentation of products like ice-cream, desserts and the likes in the form of scoops.

3. According to claim 1 and 2, the inner container holds the product in the form of the scoop.

29. Relating to objection no.29 mentioning that the regarding the claim 4, whilst the inner container is claimed to be peelable it is noted that as recited no actual peeling is required.

Applicant respectively traverses through the statement made by the examiner and submits as follows; peeling is required to view the shape of scoop and serve the scoop in the outer container.

Applicant diverges with the examiners statements and respectfully requests the examiners attention to the claim 4 & 7.

4. According to claim 2, the inner container is peelable, which can be peeled off to expose the product for consumption.

7. According to claim 1, the product is served in the outer container in which the shape of the scoops is rested into the actual shape by inversion of the products or inner container.

30. Relating to objection no.30 mentioning that the claim 1 is the antecedent for the claim 5 has no antecedent basis for the recitation "the serving container".

Applicant respectively traverses through the statement made by the examiner and submits as follows; the outer container mentioned in the claim 5 itself the antecedent for "the serving container".

31. Relating to objection no.31 mentioning that the claim 5 has no antecedent basis for the recitation "the design", "the inner shapes", or "the inner surfaces".

Applicant respectively traverses through the statement made by the examiner and submits as follows; claim 3 is the antecedent for claim 6 and we have amended the claim 6 accordingly.

6. According to claim 3, the shape of the scoop depends upon the inner shape provided to the inner surface of the inner container.

32. Relating to objection no.32 mentioning that the claim 7 has no antecedent basis for "the shapes of the scoops" or "the actual shapes".

Applicant respectively traverses through the statement made by the examiner and submits as follows; claim 1 is the antecedent for claim 7.

1. The method of packing and presentation of products like ice-cream, desserts and the likes in the form of scoops.

33. Relating to objection no.33 mentioning that the claim 8 has no antecedent basis for "the soft serve"

Applicant respectively traverses through the statement made by the examiner and submits as follows; we have removed the claim 8.

34. Relating to objection no.34 mentioning that the claims 9 & 10 has no antecedent basis for "the spacer"

Applicant diverges with the examiners statements and respectfully requests the examiners attention to the 4th paragraph of the specification.

[0061] Further to get more flavored scoops with inner placed dry fruits or gel or other products, a spacer (22) is inserted into the space provided for the product. The spacer (22) which is attached to the outer cover is placed when the product is filled in the inner container. When this spacer is inserted (25) by pacing the outer container, the spacer (25) pierces into the product by downward pressure (28) by which creating an upward pressure (29) in the product by which a semi scoop (27) is formed on the top.

35. Relating to objection no.35 mentioning that regarding claim10 it is unknown how the spacer could be inserted in the inner container.

Applicant respectively traverses through the statement made by the examiner and submits as follows; we are not claiming the method insertion of spacer inside the inner container.

Claim Rejections – 35 USC § 103

36. Relating to objection no.36 mentioning the quotation of 35 U.S.C. 103(a).

Applicant respectively traverses through the statement made by the examiner and submits as follows; the present invention is not identical to any disclosed inventions.

38. Relating to objection no.38 mentioning that the requirement of invention dates of each claim.

Applicant respectively traverses through the statement made by the examiner and submits as follows; there is no particular invention dates for each claim. Inventors together formulated the claims.

39. Relating to objection no.39 mentioning that claims 1-7 are rejected under 35 USC § 103 (a) as being unpatentable over Maeda JP 900256.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the prior art cited by the examiner discloses the invention relating to a hemispherical container for ice cream.

Whereas the present invention discloses the method of packing and presentation of products like ice-cream, desserts and the likes in the form of scoops and the dual container for making the ice cream and other dairy products into scoops and hemi scoops.

40. Relating to objection no.40 mentioning that the claim 1 has not been positively claimed when compared to Maeda.

Applicant respectively traverses through the statement made by the examiner and submits as follows; claim 1 has amended.

1. The method of packing and presentation of products like ice-cream, desserts and the likes in the form of scoops.

41. Relating to objection no.41 mentioning that regarding claim 2, Maeda discloses there is an inner and outer container.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the present invention discloses the two containers but the inner container is peelable.

Applicant respectively traverses through the statement made by the examiner and submits as follows;

42. Relating to objection no.42 mentioning that regarding claim 2, Maeda discloses the inner container holds product in the form of a scoop.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the present invention discloses different invention.

43. Relating to objection no.43 mentioning that the regarding claim 2, Maeda discloses inner container can be peeled off.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the present invention discloses different invention.

44. Relating to objection no.44 mentioning that the regarding claim 2, Maeda discloses the outer container could be used to serve the ice cream.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the present invention discloses different invention.

47. Relating to objection no.47 mentioning that claims 1-7 are rejected under 35 USC § 103 (a) as being unpatentable over Maeda.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the prior art cited by the examiner discloses the invention relating to a hemispherical container for ice cream.

Whereas the present invention discloses the method of packing and presentation of products like ice-cream, desserts and the likes in the form of scoops and the dual container for making the ice cream and other dairy products into scoops and hemi scoops.

48. Relating to objection no.48 mentioning that claims 1-7 are rejected under 35 USC § 103 (a) as being unpatentable over Maeda JP 900256 in view of Suzuki.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the prior art cited by the examiner discloses the invention relating to a hemispherical container for ice cream.

Whereas the present invention discloses the method of packing and presentation of products like ice-cream, desserts and the likes in the form of scoops and the dual container for making the ice cream and other dairy products into scoops and hemi scoops.

49. Relating to objection no.49 mentioning that regarding the claim 9, Suzuki discloses the placement of spacer.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the present invention discloses different invention.

50. Relating to objection no.50 mentioning that regarding the claim 10, Suzuki and Maeda discloses the placement of spacer inside the inner container.

Applicant respectively traverses through the statement made by the examiner and submits as follows; the present invention discloses different invention.

CONCLUSION

In the light of the above explanation to each objection raised by the examiner the applicant has made sincere efforts to traverse through all the statement made by the examiner and replied with the necessary remarks along with the replacement of corrected sheet wherever required. Further in the light of the above explanation the prior documents cited by the examiner are not in reference to any part or complete method of the present invention. The present invention is novel, involving an inventive step and is non obvious having the utility value to claim it as a patent. The applicant submits that the method is completely new to replicate the depleted cultivated soils or to restore the nutrient contents in the cultivated lands for the benefit of further cultivations. The present invention establishes the inventive step of removing the depleted top layer by replacing with the virgin sub soil received from the trench made in the same land and filling the trench with the depleted soil. The present invention is non-obvious that this method of packing and presentation of products like ice-cream, desserts and the likes in the form of scoops. Hence the applicant respectfully submits that the present application is proper & fit for the grant of a patent, and requests to grant the same at the earliest.

Respectfully Submitted

// Shaik; Kareemullah//

Date: 21/04/2011

//Fathima; Shaheen//

Secunderabad,

// Shaik; Faheemullah //

33,S.D. Road, Secunderabad

Ramesh Babu Vishwanath
VISHWANATH & GLOBAL ATTORNEYS
42-839, 2nd Floor, Meghanaakash Arcade,
Moulali, Hyderabad 500040,
Andhra Pradesh, INDIA